

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

WELLS FARGO BANK, N.A., AS §
TRUSTEE FOR MORGAN STANLEY §
CAPITAL I INC., COMMERCIAL §
MORTGAGE PASS-THROUGH §
CERTIFICATES, SERIES 2006-IQ12, §
ACTING BY AND THROUGH ITS §
SPECIAL SERVICER, C-III ASSET §
MANAGEMENT, LLC §

VS. §

H POINTE APTS. LP AND §
NEWPORT PROPERTY APARTMENT §
VENTURES, LTD. §

CIVIL ACTION NO. 4:10-cv-03140

AGREED MOTION TO DISMISS WITH PREJUDICE

Plaintiff Wells Fargo Bank, N.A., as Trustee for Morgan Stanley Capital I Inc., Commercial Mortgage Pass-Through Certificates, Series 2006-IQ12, acting by and through C-III Asset Management LLC, in its capacity as special servicer (“Wells Fargo” or “Plaintiff”) and Defendants H Pointe Apts. LP and Newport Property Apartment Ventures, Ltd. (Plaintiff and Defendants collectively referred to as the “Parties”) file this Agreed Motion to Dismiss With Prejudice and would respectfully show the Court as follows:

1. All Parties to this proceeding entered into a confidential settlement in this matter and have resolved all claims that were or could have been asserted in this action, and respectfully request that this case be dismissed with prejudice, with each Party bearing its own costs.

2. This Motion is agreed to by the Parties.

WHEREFORE, PREMISES CONSIDERED, the Parties respectfully pray that the Court dismiss this cause with prejudice and enter a final Order in this cause in the form attached hereto, with each Party bearing its own costs.

Respectfully submitted,

WINSTEAD PC

By: Y. Islam Atasi
Yasmin Islam Atasi
State Bar No. 10435150
Fed. No. 13119

1100 JPMorgan Chase Tower
600 Travis Street
Houston, Texas 77002
(713) 650-2735
(713) 650-2400 (fax)

**ATTORNEY-IN-CHARGE FOR
PLAINTIFF WELLS FARGO BANK, N.A., AS
TRUSTEE FOR MORGAN STANLEY
CAPITAL I INC., COMMERCIAL
MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2006-IQ12, ACTING
BY AND THROUGH ITS SPECIAL
SERVICER, C-III ASSET MANAGEMENT,
LLC**

OF COUNSEL:

Emily Herbster
State Bar No. 24065403
Winstead PC
1100 JPMorgan Chase Tower
600 Travis Street
Houston, Texas 77002
(713) 650-2666
(713) 650-2400 (fax)

AND

HUGHES WATTERS ASKANASE, LLP

By: Lindsay Lambert *by YIA with permission*

Lindsay L. Lambert

State Bar No. 11844225

Fed. No. 15079

John P. Barnes

State Bar No. 90001530

Fed. No. 24044

Three Allen Center

333 Clay, 29th Floor

Houston, Texas 77002

(713) 759.081

(713) 759.6834 (fax)

**ATTORNEY-IN-CHARGE FOR
DEFENDANTS, H POINTE APTS. LP and
NEWPORT PROPERTY APARTMENT
VENTURES, LTD**

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the forgoing document has been served by certified mail return receipt requested on this the 3rd day of November 2011:

Lindsay L. Lambert, Esq.
John P. Barnes, Esq.
Hughes Watters Askanase, LLP
Three Allen Center
333 Clay, 29th Floor
Houston, Texas 77002
Counsel for Defendants

Robert Blackwell
740 East Campbell Road, Suite 800
Richardson, Texas 75081
Counsel for former Receiver

By: Y. Islam Atasi
Yasmin Islam Atasi